

ENTERED

September 29, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**IN RE CABOT OIL & GAS
CORPORATION DERIVATIVE
LITIGATION

Case No. 4:21-cv-02046

Consolidated with

Case No.4:21-cv-3053

ORDER

This consolidated shareholder derivative lawsuit presents a lead-plaintiff dispute, as well as the disputes between the plaintiffs and defendants. The Treppel Family Trust U/A 08/18/18 Lawrence A. Treppel and Geri D. Treppel For the Benefit of Geri D. Treppel and Larry A. Treppel, (“Treppel”), filed a complaint in *Treppel Family Trust et al. v. Dinges et al.*, Civil Action No. 4:21-cv-03053, Docket Entry No. 1, on September 20, 2021. Jody Ezell, Leon Fischer, and John Hudson filed a verified consolidated second amended shareholder derivative complaint on September 21, 2021. (Docket Entry No. 39). Plaintiff Treppel moved for the court to appoint lead counsel and designate an operative complaint, (Docket Entry No. 41), on September 23, 2021, and filed a letter dated September 24, 2021, (Docket Entry No. 44), asking the court to delay motions and briefs until the court rules on that Motion to Consolidate, Appoint Lead Plaintiff and Counsel, and Designate Operative Complaint. Ezell, Fischer, and Hudson oppose. The current deadline for Cabot Oil and the Individual Defendants to raise a pleading challenge to the verified consolidated second amended shareholder derivative complaint, (Docket Entry No. 39), is September 28, 2021. There appears to be an unopposed motion to extend that deadline for a few days. (Docket Entry No. 45). That motion is granted.

Cabot Oil and the Individual Defendants plan to file a single motion to dismiss directed at the two complaints: The court does not see a need to delay the pleading challenges until it decides

which of the competing complaints will be the operative complaint. The pleading challenges may well apply to both of the competing complaints. Accordingly, no abatement will be granted.

The court imposes the following deadlines:

1. Treppel must refile the Treppel Family Trust complaint in Case No. H-21-2046 by October 4, 2021;
2. the deadline for Defendants to respond to the complaints is extended to October 15, 2021;
3. any response to the motion to dismiss will be due by November 5, 2021, and any reply will be due by November 19, 2021;
4. any response to Plaintiff Treppel's Motion to Consolidate, Appoint, and Designate, (Docket Entry No. 44), must be filed and served by October 15, 2021;
5. any reply in support of Plaintiff Treppel's Motion to Consolidate, Appoint, and Designate, (Docket Entry No. 44), must be filed and served on or before October 29, 2021.

SIGNED on September 29, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Lee H. Rosenthal
Chief United States District Judge